

REMARKS

Claims 21-30, 34-35 and 38-44 are pending in the present application.

Claims 21-22, 24-27, 29-30, 34-35, 38-42, and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Manczak et al. (U.S. Patent Application No. 2002/0161855) (hereinafter 'Manczak') in view of Bennett (U.S. Patent No. 5,852,747) (hereinafter 'Bennett'). The Applicant respectfully traverses this rejection.

Claims 23, 28, and 43 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Manczak in view of Bennett and in further view of Sandstrom et al. (U.S. Patent No. 6,629,189) (hereinafter 'Sandstrom'). The Applicant respectfully traverses this rejection.

The Applicant's claim 21 recites a data storage system comprising in pertinent part

“a computing node coupled to said first volume and said second volume, wherein said computing node includes a file system for identifying a first file stored on said first volume and a second file stored on said second volume;
wherein said file system includes a directory structure having a directory which includes a first entry corresponding to said first file and a second entry corresponding to said second file;
wherein in response to a request by a client to access said first file, said computing node provides metadata corresponding to said first file to said client; and
wherein said client uses said metadata corresponding to said first file to perform a subsequent access to said first file.” (Emphasis added)

Manczak discloses at page 4, par [0035]

“When the original client, or another client, attempts to access this stored data at a subsequent time, the command to access the data is routed from the client's application (e.g., NFS 302 or CIFS 304) through load balancing node 310 to a gateway service node 312. This gateway service node does not have to be the same node as was used to store the data originally. The command to access the data is then routed from Gateway Service node 312 (e.g., Gateway Service node 312b) through internal

network 314 to Metadata Server 316 (e.g. 316a). Metadata Server 316 obtains the metadata for the requested data from disk 318 (e.g. 318a) and directs the request for the data to the appropriate Bitfile Storage Server 324 and corresponding disk 326 (e.g., Bitfile Storage Server 324a and disk 326a).” (Emphasis added)

From the foregoing, it appears that in Manczak, the Metadata Server 316 (and not the client) causes subsequent accesses to the data to be accessed in response to a client request.

The Examiner has acknowledged that, Manczak does not teach “wherein in response to a request by a client to access said first file, said computing node provides metadata corresponding to said first file to said client” or “wherein said client uses said metadata corresponding to said first file to perform a subsequent access to said first file,” as recited in the Applicant’s claim 21. However, the Examiner has asserted that Bennett teaches the limitations recited above. The Examiner has further asserted that the motivation to combine the teachings of Bennett with Manczak may be found in Bennett at col. 2, lines 30-35, “because it provides for faster processing time by storing the information on the client and eliminating the need to ask the server for the information again.”

The MPEP states at § 2143.01 “The fact that the references can be combined or modified is not sufficient to establish *prima facie* obviousness. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)... Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 178 (Fed. Cir. 1992).”

Accordingly, the Applicant respectfully disagrees with the Examiner’s characterization of Bennett and with the Examiners assertion of any motivation to

combine the references. More particularly, in regard to the Examiner's alleged motivation to combine the references, Bennett discloses at col. 2, lines 14-34

"Some types of client/server systems use the principal of "caching" for nonshared files or shared files controlled by locks. According to the principal of caching, a requested block and other subsequent blocks are fetched together for the client in a bulk transfer. This is done with the expectation that these other subsequent blocks will soon be needed by the application. The rationale is that the mass transfer of the multiple blocks requires less message traffic between the client and server than separate transfers for each block. Thus, if there is a high probability that these subsequent blocks will be needed shortly, the mass transfer will be more efficient than multiple transfer of individual blocks. For example, the client includes buffers to store four 4K byte blocks, and if a client application requests the first 4K byte block, the server will provide the first four 4K byte blocks from the file. All four 4K byte blocks are then stored in the client's buffer. If the client needs bytes beyond the initially requested single 4K block, the client need not ask the server again. Instead, the client merely fetches the additional bytes from the client's buffer, and this is much quicker and efficient than asking the server again."

From the foregoing, it is clear that Bennett is teaching caching blocks associated with a file. Specifically, Bennett is teaching caching blocks that are subsequent to a requested block to make it quicker to access the subsequent blocks if they are needed.

This is not the same as teaching using the metadata for a file for subsequent accesses to a file. Accordingly, the Applicant respectfully submits that the motivation to combine the references as alleged by the Examiner is faulty. The Applicant cannot find, in either reference, any motivation to combine the references.

Furthermore, the Applicant asserts that even if, (*arguendo*), one were to combine the references as suggested by the Examiner, the Applicant doubts that one would obtain the Applicant's claimed invention. In fact, the Applicant asserts that it would be unnecessary and redundant to also provide the metadata to the client in the system taught by Manczak since the gateway server of Manczak accesses the file on behalf of the client.


Claims 26 and 40 recite limitations that are similar to those recited in claim 21. Accordingly, the Applicant believes that claims 21, 26 and 40, along with their respective dependent claims, patentably distinguish over Manczak in view of Bennett and over Manczak in view of Bennett and in further view of Sandstrom for the reasons given above.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-59200/BNK.

Respectfully submitted,



Stephen J. Curran
Reg. No. 50,664
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: July 13, 2004